

REMARKS

Applicant acknowledges receipt of an Advisory Action dated November 5, 2004. This response supplements the Amendment and Response filed on October 13, 2004. In the "REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL" filed concurrently with this amendment, Applicant has requested entry and consideration of the Amendment and Response filed on October 13, 2004. The amendments set forth above amend the claims as presented in the Amendment and Response filed on October 13, 2004.

In this paper Applicant has amended claim 2 and added claim 19. Support for these amendments may be found in the specification, *inter alia*, at lines 22-23 on page 1, lines 21-25 on page 7 and lines 6-7 on page 8. Following entry of these amendments, claims 2-19 are pending in the application.

Claims 3-17 have been withdrawn as being drawn to non-elected embodiments. Accordingly, claims 2, 18 and 19 are currently pending and under consideration.

Reconsideration of the present application is respectfully requested in view of the foregoing amendments, the remarks which follow and the amendments and remarks set forth in the amendment and response filed on October 13, 2004.

Formal Drawings

During a review of their file, Applicant has noted that the PTO has not yet acknowledged acceptance of the formal drawings submitted on October 13, 2004. Applicant respectfully requests that the PTO acknowledge acceptance of the drawings in its next communication.

Rejections Under 35 U.S.C. §112

In the Office Action dated July 13, 2004, the PTO rejected claims 1¹ and 18 under 35 U.S.C. §112, 2nd paragraph as allegedly being indefinite. Although Applicant amended claim 2 in the Amendment and Response filed on October 13, 2004, the PTO, in the Advisory

¹ In the Office Action dated June 13, 2004, the PTO rejected claim 1 despite the fact that Applicant cancelled claim 1 in an amendment dated September 9, 2003. Applicant presumes that the PTO intended the reference to claim 1 to be a reference to claim 2.

Action dated November 5, 2004, noted that the references to a plurality of heat sources were “still not clear.”

In this response, Applicant has amended claim 2. Applicant submits that the language of amended claim 2 is clear and unambiguous and respectfully request reconsideration and withdrawal of the outstanding rejection under §112.

Rejections Under 35 U.S.C. §102/103

In the Office Action dated July 13, 2004, the PTO rejected claims 1² and 18 under 35 U.S.C. §102 as anticipated by or, in the alternative, under 35 U.S.C. §103 as obvious over U.S. Patent 5,316,075 to Quon *et al.* (hereafter “Quon”). Applicant traversed this rejection in the Amendment and Response filed on October 13, 2004. The remarks set forth therein are incorporated by reference here and supplement the remarks below.

In the Advisory Action dated November 5, 2004, the PTO stated that “the proposed claims are not allowable since the plurality of semiconductor junctions are located within a heat source, each and every semiconductors [*sic*] junctions [*sic*] are considered to be a part of the heat source and render function [*sic*] of the heat source since they have a temperature of the semiconductor.”

While the PTO is entitled to give claim terms their broadest reasonable interpretation, that interpretation must be *reasonable*, meaning that the “interpretation must be consistent with the one that those of skill in the art would reach.” *In re Cortright*, 49 USPQ2d 1464, 1467 (Fed. Cir. 1999). Here, although Applicant acknowledges Quon’s reference, at lines 48-49 in column 2, to “a semiconductor, with one or more semiconductor junctions therein,” Applicant notes that Quon discloses only a *single* semiconductor device. The PTO’s suggestion that the *single* semiconductor device of Quon constitutes the presently claimed “plurality of heat sources” goes beyond the broadest reasonable interpretation of a “plurality of heat sources,” and, for this reason, Applicants submit that the outstanding rejections under §102 and §103 ought to be withdrawn.

² In the Office Action dated June 13, 2004, the PTO rejected claim 1 despite the fact that Applicant cancelled claim 1 in an amendment dated September 9, 2003. As with the §112 rejection, Applicant presumes that the PTO intended the reference to claim 1 to be a reference to claim 2 in the rejections under §102/103.

In view of the foregoing remarks and the remarks set forth in Applicant's amendment and response filed on October 13, 2004, Applicant respectfully requests reconsideration and withdrawal of the outstanding rejections under §102 and §103.

Newly Added Claims

In this response, Applicant has added claim 19, which is directed to an embodiment of the presently claimed invention in which the plurality of heat sources comprises a plurality of semiconductor elements. Applicant submits that U.S. Patent 5,316,075 fails to teach or suggest a cooling device for a plurality of heat sources wherein the plurality of heat sources comprise "a plurality of semiconductor elements" as recited in claim 19.

CONCLUSION

In view of the foregoing amendments and remarks, Applicant respectfully submits that all of the pending claims are now in condition for allowance. An early notice to this effect is earnestly solicited. If there are any questions regarding the application, the Examiner is invited to contact the undersigned at the number below.

Respectfully submitted,

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The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.